

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6504 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL NANJIBHAI KUMPAJI

Versus

DISTRICT PRIMARY EDUCATION OFFICER

Appearance:

MR KB PUJARA for Petitioners

Ms. Harsha Devani, AGP with Mr P G Desai, GP
for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 13/08/98

ORAL JUDGEMENT

The say of the petitioners is that two separate advertisements for appointment under Vidya Sahayak Scheme were published on 25.6.1998 for Banaskantha as well as for Kutch District. There was no mention with respect to A.T.D. reservation (Arts Teachers Diploma). The advertisement was issued for Kutch District and as such

the petitioners did not apply. However, subsequently, the District Primary Education Officer issued a separate advertisement for A.T.D. candidates to be appointed under the Vidya Sahayak Scheme in Kutch district. The petitioners submitted application in response thereto with xerox copies since the originals are with the District Primary Education Officer, Banaskantha. It is contended by Mr Pujara, learned Advocate for the petitioners that the petitioners are A.T.D. candidates, and there is reservation upto 7%. However, they did not apply in response to the advertisement for appointment in Kutch District as there was no mention with respect to the candidates of A.T.D. If such a mention was there, they could have made option between Banaskantha and Kutch. The petitioners have applied to the District Primary Education Officer, Banaskantha for returning the original certificate but the same has not been returned to them.

2. Considering all facts and circumstances of the case, it is directed that the District Primary Education Officer, Kutch will accept the application along with the xerox copies of the certificate produced by the petitioner and the same shall be provisionally considered. A reasonable time shall be given for production of the original certificate. The District Primary Education Officer, Banaskantha is directed to return the petitioners' original certificate. It is made clear that this direction is given in the peculiar facts and circumstances of the case and it will not create precedent. Rule made absolute to the aforesaid extent. Direct Service is permitted.

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msp.